

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

TIMOTHY J. PETERSON, an)
individual,) Deposition of:
) STACIE PETERSON
Plaintiff,)
) Civil No. 2:16-CV-00775-BCW
vs.)
) Judge Bruce S. Jenkins
IAN ADAMS, in an individual) Magistrate Judge Brooke Wells
and official capacity; DOUG)
DIAMOND, in an official)
capacity; WEST JORDAN CITY;)
SALT LAKE CITY CORPORATION;)
SALT LAKE COUNTY; JAMES "JIM")
WINDER, in an individual and)
official capacity; and John)
and/or Jane Does 1-20,)
)
Defendants.)

THIS TRANSCRIPT CONTAINS CONFIDENTIAL TESTIMONY/INFORMATION

September 22, 2017
12:00 p.m.

Location: Garcia McCall & Company
1484 South Main Street
Salt Lake City, Utah

Reporter: Rashell Garcia

1 Q. Okay. So, he hurt his hand and after that,
2 prescription drugs and then on to street drugs?

3 A. Yeah. He told me when he went to rehab in June
4 of 2013 that he had been using heroin for a year.

5 Q. Okay.

6 A. I didn't know that because it kind of had the
7 same effect of pain pills, it seemed like to me. He was
8 prescribed a very high amount of pain pills, I believe.

9 Q. Again, the divorce was filed in April of 2013.
10 And I will tell you we have record of a protective order
11 which you filed in June of 2013.

12 A. Yes. And that's when -- yeah.

13 Q. What was the -- I actually have some of these
14 documents and I was going to mark them -- may still if we
15 need to reference them. But I have a protective order which
16 I've indicated was filed on June 20th, 2013. Do you remember
17 the circumstances?

18 A. Yes, very well.

19 Q. Tell me about that, please.

20 A. He was acting very, very crazy. He had left, I
21 think a few weeks before that, and was living with a friend.
22 But he would call me. And his like perception of time was
23 off. And he just accused me of doing things all the time. I
24 was accused of like so many things, it was insane.

25 And I hadn't been sleeping very well because of

1 his erratic behavior. So I went and stayed at my mom's
2 house. I think that incident happened on June 17th. If I
3 remember correctly, I went and stayed the night before at my
4 mom's house. And so we came home. My oldest son was about
5 to go to a scout thing. So we came home in the morning. And
6 I noticed a pair of my underwear in the front yard, which
7 was weird. And then the flowers and the flower bed had been
8 like chopped off. And I was like, that's so weird.

9 But I walked in the house and there was like a
10 bloody knife on the floor with like blood smeared around in
11 the kitchen. And I went up and noticed like my drawer of
12 underwear had been taken. And so then I called the police.

13 My poor son had to go to scouts, and thought his
14 dad was dead because of that whole bloody knife thing. But I
15 called the police at that point. And they wanted me to go
16 show them where my underwear had been stolen from. And then
17 I was looking at my closet and realized all my clothes had
18 been stolen, actually, or taken, whatever you want to call
19 it.

20 Q. They weren't there?

21 A. No. And so that's when I was advised to file a
22 protective order.

23 Q. Did he ever acknowledge in some way that he was
24 behind the loss of all your clothes and the bloody knife?

25 A. Yes, he gave them back to me at a later date, so,

1 yes.

2 Q. So you knew it was him that did that?

3 A. Yes.

4 Q. Did you ever ask him, what are you doing? What's
5 going on?

6 A. I don't think I even wanted -- well, we had no
7 contact for a while because of the protective order. And I
8 don't know if I ever did, to tell you the truth.

9 Q. So that was the facts that gave rise to the
10 filing of the protective order in June of 2013; right?

11 A. He violated that protective order, I believe.

12 Q. So that's what I was going to talk about next.
13 The next group of documents I have is a violation of that
14 particular protective order. And he was actually arrested
15 for that. Do you recall that?

16 A. Yes.

17 Q. Tell me about that. What did he do to violate
18 it?

19 A. So I was -- I do hair in my house. That's how I
20 provide an income to take care of my kids. And I was
21 working, and I actually had two clients there, somebody
22 waiting for me and one that I was doing their hair. And he
23 kept calling me and calling me. And I just had to -- I can't
24 talk to a crazy drug addict while I'm trying to work.

25 So, all of the sudden, my kids were upstairs.

1 And apparently he had pounded on the door or whatever. And
2 my oldest son let him in. But he just came down to the room
3 and was like, "You can't answer your f-ing phone," or
4 whatever. And I just told my clients to call 911 and left.

5 And he kept yelling at my son, "You know, this is
6 your mom's fault." And my nine-year-old son peed his pants
7 at that time, which is never something he has done. It was a
8 very scary experience.

9 Q. I'm sorry. So that was -- the events that bring
10 us together occurred in July 10th of 2014.

11 A. Yes, probably.

12 Q. So, that was approximately, or less than a year
13 before that; right?

14 A. Yes.

15 Q. And he was convicted of violation of the
16 protective order, right?

17 A. I don't remember, to tell you the truth.

18 Q. I'll tell you, he was.

19 A. Okay.

20 Q. And that's -- all these documents, that's what
21 they pertain to. And so he was convicted of that.

22 A. And I think the next day after the hearing for
23 that violation, or maybe it was just the protective order
24 hearing -- I think that's what it was. The next day is when
25 he went to rehab, so --

1 Q. After the original one?

2 A. Yes.

3 Q. And when --

4 A. When he --

5 Q. And then when he violated, he was out of the
6 rehab facility?

7 A. No. I think he was in the rehab facility when
8 they charged him with a violation.

9 Q. Okay. I have yet another protective order that
10 you filed against your husband, the first is a temporary and
11 then as a permanent protective order, in February of 2014.
12 Is that -- are you familiar with that?

13 A. Yes.

14 Q. Do you remember that?

15 A. Yes. Well, I'm trying to remember. Let me --

16 Q. By the way, I know this isn't the funnest stuff
17 to talk about. I apologize you have to go through it again.

18 A. Not really. So, I think -- I don't remember
19 there being a specific incident. I can't remember. I just
20 remember it was once again that like calling and calling and
21 just acting insane and saying he was going to come over. And
22 I'm trying to work.

23 And he would -- is that the time -- that must be
24 the time, yeah. He came over to the house, like in the
25 middle of the night. And it was like, I could hear papers

1 rustling and stuff. So I couldn't even sleep. And I go down
2 there, and he was like going through any receipt he found of
3 mine. Because, you know, he was going to prove that I had
4 been sleeping with everybody in town.

5 But he found a tissue under the seat of my car
6 that had been used and was convinced that was proof that I
7 had slept with somebody in my car, apparently. But he
8 kept -- he was like in my face saying like, "I'm not leaving
9 until you tell me who you're sleeping with," and whatever.
10 And his eyes were like bouncing around his head crazy.

11 Q. You're divorced at this time; right?

12 A. No. This was -- the last time we split up was
13 after I filed this protective order.

14 Q. Okay. Maybe I misunderstood. According to what
15 I see, this protective -- well, I think you're right. This
16 was in February of 2014?

17 A. I don't remember exact.

18 Q. And your divorce didn't come final until two
19 months later?

20 A. No. We actually had mediation that morning, I
21 believe. And he came, but he was obsessed with taking my
22 car. That's all he wanted was my car, because he had lost
23 his car in a DUI, I believe. And so that's all he would talk
24 to the mediator about. And she ended up coming in to me and
25 saying, if I -- she advised me strongly to go right from

1 there to file a protective order, because he had just been
2 constant crazy to us and clearly was off.

3 Q. That protective order that was issued in February
4 of 2014, that remained in place up through and including July
5 of 2014. And he violated that one; right?

6 A. Yes.

7 Q. Now we're getting to where it's kind of important
8 to us so I need as much information as I can about that.
9 Tell me, first off, what the terms of the protective order
10 were generally in terms of him contacting you?

11 A. So, I believe -- well, from my understanding,
12 which I thought I had confirmed several times with the
13 protective order hearings, we could talk on the phone for
14 matters of like meeting up with the kids and stuff like that.
15 Not that I would meet up with him, but, whatever. Anyways,
16 he was calling me like crazy that day because it was the
17 Fourth of July, I believe, if I remember right.

18 Q. Well the --

19 A. No, because it was the demolition derby. It was
20 the next day. I think it was the 5th of July that he was
21 just calling and calling and calling. And I didn't answer
22 because I was with my family. And then I was driving home
23 and he called, and he was like screaming at me, like, "You're
24 going to come out and talk to me. I'm going over there right
25 now and you're going to come out and talk to me."

1 And I said, "No I'm not." And he said, "If you
2 don't, I'll" -- which I've said this in the court hearing
3 before -- is that I did meet him outside my house like the
4 night before the Fourth of July.

5 Q. Okay.

6 A. Outside of my neighbor's house for like two
7 minutes. It was the stupidest thing ever. But he kept
8 saying, "I'm going to tell the police that you did that if
9 you don't come out here and talk to me."

10 And I said, "I'm not going to." I said, "I'll
11 tell them myself." Because he was like screaming crazy. So,
12 anyway, when I got home, it was like after midnight, I
13 believe, that he rang the -- I know he rang the doorbell
14 because who else would?

15 But then I didn't call the police that time. And
16 about 15 minutes later, he rang the doorbell again. I looked
17 out my front window and he was like -- I don't know how to
18 explain it. Like had his hands up in the air standing out on
19 the lawn, like, looking into the master bedroom window.

20 Q. Okay.

21 A. And that was when I called the police, yeah.

22 Q. All right.

23 A. And he was gone by the time they got there.

24 Q. That was the basis of the violation of the
25 protective order?

1 A. Yes.

2 Q. Now, this is the period of time that I'm most
3 interested in, and other things that were going on in that
4 time. Did you ever follow Tim on Facebook?

5 A. Yes. So, actually, that ended that night because
6 then he left. I think he knew that I had called the police.
7 He probably saw them coming. So he wrote me a message over
8 Facebook saying something about, "I don't know why you didn't
9 come out. You were the one who told me to come over." And
10 like all -- you know, like covering his butt, basically.

11 And he told me something about his dad was going
12 to sue me for grandparents' rights or something. And I said,
13 whatever. And I blocked him at that point.

14 Q. That night?

15 A. Yes.

16 Q. So what day do you think that was?

17 A. I guess it must have been July 6, like early in
18 the morning.

19 Q. Okay.

20 A. Like right after midnight, I assume.

21 Q. Did you ever become aware of Tim threatening to
22 kill a policeman?

23 A. Yes.

24 Q. How?

25 A. So, Monday after that -- because that was I guess

1 early Sunday morning. Monday, I worked at -- I worked for
2 Hallmark at a Walmart store in Saratoga Springs. And the
3 manager -- I can't remember if they called me over the
4 intercom or if they came and found me and told me that the
5 Saratoga police officers wanted to talk to me. So I went up
6 to the front of the store and talked to them. And they said
7 that Tim was threatening to come to my work and kill me, I
8 think is what they told me. And so I went home.

9 Q. What -- using the Fourth of July kind of as a
10 measuring stick, what day do you think this was?

11 A. So, it must have been the 7th of July.

12 Q. Three days later?

13 A. So.

14 Q. This is after he had violated the protective
15 order?

16 A. Yes, because he had violated the protective order
17 probably early morning of July 6. So I think they had told
18 me that. So I went home -- I also swear I remember the
19 police calling me that morning from West Jordan and asking if
20 I was alive -- like if I was okay, because they were at my
21 house and nobody was answering the door.

22 So, I went -- oh, so, anyways, I talked to the
23 Saratoga Springs. I think I left after that. I left Walmart
24 and was driving home.

25 Q. Let me stop you. You were working at a Walmart

1 in Saratoga Springs?

2 A. Yes.

3 Q. Okay.

4 A. And they -- yes, they tracked me down there
5 somehow, I think to make sure I was okay. And then that's
6 when -- like I said, they said he was threatening to kill me.
7 So I called my friend who was still friends with him on
8 Facebook and had her -- she forwarded me all of his Facebook
9 posts at that point. So I saw them at that point.

10 I also talked to West Jordan City. And they told
11 me that that is not what they said specifically, that he
12 didn't say he was coming to my work to kill me. So I don't
13 know what happened there but...

14 Q. All right. I'm going to show you some of his
15 Facebook posts. And I apologize for the --

16 A. No problem. I'm sure I've seen them all anyway.

17 MR. PLANT: I think you gentlemen have seen
18 these. But my office made copies. So here you go.

19 (Deposition Exhibit No. 1 was marked.)

20 Q. What I've done, Stacie, is we've marked some of
21 those Facebook posts. And I'd like you to generally just
22 page through those and see if those would be some of the
23 Facebook posts that you were given by your friend. And, by
24 the way, who was your friend?

25 A. April Jensen -- or Butler I think is her name

1 now. Her married name is Butler.

2 Q. Are those some or all of the Facebook posts that
3 you think --

4 A. Yeah.

5 Q. And you see there's some page numbers down there.
6 Do you see where it says --

7 A. Yes.

8 Q. Look on 1712. There's one there and he says,
9 "I'm at Walmart in Jordan Landing got my pistol so if anyone
10 needs to know where I am that's where I am." I suspect maybe
11 the police didn't know which Walmart you were at and they
12 were, you know --

13 A. Yes, that could have happened, you're right. I
14 didn't even think about that.

15 Q. Did you ever put these two things together as the
16 basis of the threat against you?

17 A. No, that and -- I think maybe later. I'm not
18 sure that I saw this. When was this, the Walmart one,
19 posted? I can't remember.

20 Q. It was posted -- there's a date there. That's
21 July 7th.

22 A. At what time, does it say?

23 Q. Well, you can read as well as I can. It's kind
24 of faint.

25 A. July 7th doesn't sound right. I can't remember.